

E-filing

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**
 BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT  
☐ SUPERSEDING
**OFFENSE CHARGED**
 18 U.S.C. § 1343 - WIRE FRAUD  
 18 U.S.C. § 1957 - MONEY LAUNDERING

☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ Felony

 PENALTY: 18 U.S.C. § 1343 - 0-20 YEARS, \$250,000 FINE, 3 YEARS SUPERVISED RELEASE, \$100 SPEAL ASSESSEMENT  
 18 U.S.C. § 1957 - 0-10 YEARS, \$250,000 FINE OR TWICE THE AMOUNT OF THE CRIMINALLY DERIVED PROPERTY, 3 YEARS SUPERVISED RELEASE, \$100 SPEAL ASSESSEMENT

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

**DEFENDANT - U.S.**

STEVEN KOBAYASHI

DISTRICT COURT NUMBER

CR11-00106

CW

 FILED  
 MAR - 3 - 2011  
 RICHARD W. WIEKING  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND
**PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

FBI, IRS

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form MELINDA HAAG

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) STEPHEN G. CORRIGAN, AUSA

**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

 1) ☒ If not detained give date any prior summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**
☐ SUMMONS ☒ NO PROCESS\* ☐ WARRANT

Bail Amount: \_\_\_\_\_

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address: \_\_\_\_\_

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: \_\_\_\_\_ Before Judge: \_\_\_\_\_

Comments: \_\_\_\_\_

E-filing

MELINDA HAAG (CABN 132612)  
United States Attorney

**FILED**  
MAR - 3 2011  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

STEVEN KOBAYASHI,

Defendant.

No.

**CR11-00106**

VIOLATIONS: 18 U.S.C. § 1343 - Wire  
Fraud; 18 U.S.C. § 1957(a) - Money  
Laundering (Expenditure); 18 U.S.C. §  
981(a)(1)(C) and 28 U.S.C. § 2461(c) -  
Criminal Forfeiture

OAKLAND VENUE

INFORMATION

The United States Attorney charges:

At all times material to this information and incorporated by reference in all counts:

1. Introduction

a. Defendant STEVEN KOBAYASHI was employed as a financial advisor at  
United Bank of Switzerland Financial Services, Inc. ("UBS") in its Walnut Creek, California  
office from 2004 to September 25, 2009.

b. UBS was a financial institution that maintained accounts in which clients could  
deposit funds.

c. Bank of America ("B of A"), Wachovia Bank ("Wachovia"), Midfirst Bank  
("Midfirst"), and Patelco Credit Union ("Patelco") were federally insured financial institutions.

d. Wire transfers between UBS and other financial institutions were transacted  
through a processing facility located in Connecticut.

1 e. KOBAYASHI maintained several accounts at B of A including a personal  
2 checking account, and business accounts in the names TNK Financial ("TNK"), Life Settlement  
3 Partners, LLC ("LSP"), Life Settlement Resources, LLC ("LSR"), STK Financial ("STK"), and  
4 DT Capital Management ("DT Capital").

5 f. Between April 2006 and August 2009, KOBAYASHI made unauthorized wire  
6 transfers from his clients' UBS accounts into several B of A accounts he maintained. At times,  
7 KOBAYASHI received the authority of UBS clients to transfer their funds to bank accounts  
8 KOBAYASHI maintained based upon his false representations to the clients that the transfers  
9 were required in order to invest the clients' funds. At other times, KOBAYASHI forged or  
10 copied and pasted the signatures of his UBS clients on documents authorizing the transfer of the  
11 funds from the clients' UBS accounts to KOBAYASHI'S bank accounts.

12 **COUNT ONE:** (18 U.S.C. § 1343 - Wire Fraud)

13 2. The allegations set forth in paragraph one are realleged and incorporated herein.

14 3. On or about April 28, 2006, and continuing to on or about August 25, 2009, in the  
15 Northern District of California and elsewhere, the defendant,

16 STEVEN KOBAYASHI,

17 did knowingly devise and intend to devise a scheme to defraud and to obtain money by means of  
18 materially false and fraudulent pretenses, representations, and promises, namely, while employed  
19 as a financial advisor at UBS, the defendant used the wires in interstate commerce to transfer  
20 funds from his clients' UBS accounts to the defendant's B of A accounts, without the clients'  
21 knowledge and consent, by (1) forging the clients' signatures on authorization documents and (2)  
22 falsely informing his clients that the transfers were necessary to invest the clients' funds for their  
23 benefit, well knowing at the time that the pretenses, representations, and promises were false and  
24 fraudulent when made, in violation of Title 18, United States Code, Section 1343.

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**COUNT TWO:** (18 U.S.C. § 1957(a) Money Laundering - Expenditure)

4. Paragraphs one and three of the Information are incorporated by reference as though fully set forth in this count.

5. Beginning on or about May 6, 2009, and continuing to on or about August 26, 2009, in the Northern District of California and elsewhere, the defendant,

STEVEN KOBAYASHI,

did knowingly engage in monetary transactions in criminally derived property of a value greater than \$10,000, said property being derived from a specified unlawful activity, namely, wire fraud alleged in Count One, in violation of Title 18, United States Code, Section 1957(a).

**FORFEITURE ALLEGATION:** (18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c))

6. The allegations contained in paragraphs one and three of this Information are realleged and by this reference fully incorporated herein for the purpose of alleging forfeiture pursuant to the provisions of 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c).

7. Upon a conviction of the wire fraud offense alleged in Count One above, the defendant,

STEVEN KOBAYASHI,

shall forfeit to the United States all property, constituting and derived from proceeds traceable to a violation of 18 U.S.C. § 1343 alleged above, including but not limited to the following property:

(a) a sum of money equal to amount of proceeds obtained as a result of the offense; and

(b) any property, real or personal, traceable to said proceeds.

8. If any of said property, as a result of any act or omission of the defendant-

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to or deposited with, a third person;


(c) has been placed beyond the jurisdiction of the Court;


(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be subdivided without difficulty; any and all interest defendant has in this other property shall be vested in the United States and forfeited to the United States pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c) and Rule 32.2 of the Federal Rules of Criminal Procedure.

Dated: March 3, 2011

MELINDA HAAG  
United States Attorney

  
MAUREEN BESSETTE  
Chief, Oakland Division

(Approved as to form: )

AUSA CORRIGAN